

REMARKS

A. Amendments to the Specification

Inasmuch as the above amendments are of a formal nature, entry thereof is respectfully requested.

B. Amendments to the Claims

New claim 2 is supported by original claim 1, part (e). Support for new claims 3-10, directed to compounds 10-17, is found in reaction scheme 1 on pages 16-17 of the specification.

C. Obviousness-type Double Patenting Rejection

Reconsideration is requested of the rejection of claim 1 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,620,950. As subject claim 1 has been cancelled and claim 2 is directed to subject matter that was part of a restriction requirement during prosecution of U.S. Patent No. 6,620,950, this rejection is improper. In accordance with M.P.E.P. § 804.01 and 35 U.S.C. § 121, U.S. Patent No. 6,620,950 cannot be used as a reference against new claim 2 because this divisional application was filed due to the restriction requirement in the parent application and it was filed prior to the issuance of U.S. Patent No. 6,620,950. Accordingly, new claim 2 is allowable.

CONCLUSION

Applicant submits that the present application is now in a condition for allowance and requests allowance of the pending claims.

The Commissioner is hereby authorized to charge any additional fees or credit any over payment to Deposit Account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'EJH', written over a horizontal line.

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